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09/506,407	02/17/2000	Masumi Senoo	10991381-1	7749

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EXAMINER

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ART UNIT	PAPER NUMBER
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2625

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/506,407
Filing Date: February 17, 2000
Appellant(s): SENOO ET AL.

SENOO ET AL
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/23/05 appealing from the Office action mailed 1/12/05.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of the invention contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's grounds of rejection to be reviewed are correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following are ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 rejected under 35 U.S.C. 102(b) as being anticipated by Ta (U.S. patent 5,500,715)

Regarding claim 1 and 16 Ta et al disclose: A method of configuring a printer, the method comprising: creating a printer menu structure (note Fig.1 item 104, column 7 lines 45-52 where the user is able to structure a print menu by selecting from the pc selection menu a set of desired or relevant option from the p set up menu) and installing the printer menu structure on the printer (note Fig.2, block 202, column 8 lines 31-34 where in the set up options structured or selected from the pc menu is put on the printer by inserting the diskette inside the printer) wherein the printer menu structure is installed on an erasable storage device in the printer (note again Fig.2, column 8 lines 32-34 where the structured menu prepared is stored in the printer by inserting the diskette into the printer).

Regarding claim 2 Ta et al disclose: A method as recited in claim 1 wherein installing the printer menu structure replaces any menu structure previously installed on the

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printer (note column 8 lines 58-62 where the other print options are overwritten automatically).

Regarding claim 3 Ta et al disclose: A method as recited in claim 1 wherein installing the printer menu structure extends any menu structure previously installed on the printer (note Fig.2 block 204, column 8 lines 35-40 where user is able to edit the menu and add to the print option which was chosen before the insertion of the diskette).

Regarding claim 4 Ta et al disclose: A method as recited in claim 1 further comprising simulating operation of the printer menu structure prior to installing the printer menu structure on the printer (note column 4 lines 55-63).

Regarding claim 5 Ta et al disclose: A method as recited in claim 1 wherein creating a printer menu structure includes creating a hierarchy of menu elements (note Fig.3 item 310 column 7 lines 50-60 the monitor where the options are loaded and can be vary wildly and categorically such as print resolution, quality of prints to be make, the sheet media type and etc).

Regarding claim 6 Ta et al disclose: A method as recited in claim 5 wherein each menu element has an associated menu element type and an associated action (note column 7 lines 50-65 where the each designated option is set for the specific action such as selection of print resolution or media type).

Regarding claim 7 Ta et al disclose: A method as recited in claim 1 wherein creating a printer menu structure includes associating an icon with at least one menu element in the printer menu structure (note column 7 lines 52-60 where the menu item are displayed on the monitor 310).

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Regarding claim 8 Ta et al disclose: A method as recited in claim 1 wherein the method is performed by an end-user of the printer (note column 7 lines 45-50).

Regarding claim 9 Ta et al disclose: A method as recited in claim 1 wherein creating a printer menu structure includes determining the arrangement of a plurality of menu elements on a printer display panel (note Fig.3 the display monitor 310 and wherein the menu elements are listed, column 7 lines 51-55).

Regarding claim 10 A computer-readable memory containing a computer program that is executable by a processor to perform the method recited in claim 1 (note column 5 lines 9-17).

Regarding claim 11 Ta et al disclose: A printer comprising: a display panel (note Fig.4 item 14, column 4 lines 52-57) to display a plurality of menu elements (note column 4 lines 54-55) a user interface coupled to the display panel to allow a user to select among the plurality of menu elements and a data communication interface coupled to the display panel to allow the printer to receive a printer menu structure from a remote device (note Fig.4 item 14, column 4 lines 58-64 where the user interface 14 would allow user the selection of the specific menu options).

Regarding claim 12 Ta et al disclose: An apparatus as recited in claim 11 wherein the data communication interface is a network interface (note column 8 lines 9-10).

Regarding claim 13 Ta et al disclose: An apparatus as recited in claim 11 wherein the printer is a laser printer (note column 5 lines 18-24).

Regarding claim 14 Ta et al disclose: An apparatus as recited in claim 11 wherein the user interface is a touch-sensitive screen positioned proximate the display panel (note Fig.4, column 4, lines 52-60).

Regarding claim 15 Ta et al disclose: An apparatus as recited in claim 11 further comprising a memory device coupled to the data communication interface to store a printer menu structure received from the remote device (note column 8 lines 10-20).

Regarding claim 17 Ta et al disclose: One or more computer-readable media as recited in claim 16 wherein installing the printer menu structure replaces any menu structure previously installed on the printer (note column 8 lines 58-62 where the other print options are overwritten automatically).

Regarding claim 18 Ta et al disclose: One or more computer-readable media as recited in claim 16 further comprising simulating operation of the printer menu structure prior to installing the printer menu structure on the printer (note Fig.2 block 204, column 8 lines 35-40 where user is able to edit the menu and add to the print option which was chosen before the insertion of the diskette).

Regarding claim 19 Ta et al disclose: One or more computer-readable media as recited in claim 16 wherein creating a printer menu structure includes creating a hierarchy of menu elements (note Fig.3 item 310 column 7 lines 50-60 the monitor where the options are loaded and can be vary wildly and categorically such as print resolution, quality of prints to be make, the sheet media type and etc).

Regarding claim 20 Ta et al disclose: One or more computer-readable media as recited in claim 16 wherein creating a printer menu structure includes creating a

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hierarchy of menu elements, and each menu element has an associated menu element type and an associated action (note column 7 lines 50-65 where the each designated option is set for the specific action such as selection of print resolution or media type).

(10) Response to Argument

Applicant argues that Ta only selects menu options and does not create and install menu structure. The Examiner respectfully disagrees, Ta clearly teaches assembling printers option menu selecting menu structures (column 3 lines 30-32), This reads on creating a printer menu structure by actually selecting the desired options from the P setup menu and creating a new printer menu. This menu would be copied to the diskette to be used in the printer. The installation of the printer menu to the printer is obviously would be explained by inserting the diskette into the printer drive such as the item 335 of Fig.3, and running or reading the diskette for the particular print job.

With respect to Applicant's assertion that "[T]here is no menu structure (or anything else) installed on the printer" the examiner remains confused by this submission, Ta clearly teaches creating features (or structures) comprised of various printer options, and then loading the menu into the printer (column 7 lines 45 to column 8, line 35).

With regard to the interpretation of Applicant pertaining to column 8 lines 28-54, The Examiner disagrees and in fact points out that after the diskette is placed on the printer even more changes could be made by the operator to create and in fact adjust the print options created by the operator before as disclosed by the steps of 204-206 of Fig.2 which in fact shows the creation and perfection of the printer menu by the operator.

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Applicant also argues over the lack of erasable storage medium in which the printer set up menu structure is stored. The Examiner is again confused by this assertion, The Examiner points out the diskette which is an erasable storage device and where the printer set up menu structure is stored and inserted into the diskette drive of 335 of Fig.3.

Same argument is presented by the Examiner regarding claim 16 which the counterpart of claim 1.

Regarding claims 2, 17 and extended claim 3, Applicant disagrees over replacing any menu structure previously installed on the printer as taught by Ta et al by arguing again that selecting the new options would not be the same as creating the new menu, The Examiner, again as discussed above maintains the rejection that Ta et al in fact creates the new menu by actually structuring the new sets of options to create the new menu.

Applicant on page 2 lines 29-31 questions Examiner premise as incorrect, and cites column 8 of Ta et al, Examiner disagrees and points to the specific portion of column 8 lines 28-40, and more specifically lines 35-40 where “if the changes to the PC setup are desired according to the decision block 204 the user is able to access the printer setup menu, block 206, and chose from among or make no choices to the printer setup menu, block 208, and thereafter exit the printer setup menu, block 210”

Lastly the Applicant argues over claim 11 and while Applicant is correct on assuming that Examiners assertion on printers with the interface that allows the printer to receive menu selection and creation from the remote location are well known in art, Applicant again submits that a menu selection is not a menu structure. This assertion by Applicant has been addressed by the Examiner above.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the examiner in the Related Appeals and Interferences section of this examiner's answer identifies the Board.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

April 12, 2006

Conferees:


Kimberly Williams (SPE)


Edward Coles (SPE)

Mark Wallerson (Primary Examiner)

Saeid Ebrahimi (Examiner)




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